

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CLERK'S MINUTES

BEFORE DISTRICT JUDGE JAMES O. BROWNING

CASE No.: CIV 23-869 JB **DATE:** May 2, 2025
CASE CAPTION: *Lands, et al. v. Federal Emergency Management Agency, et al.*
CRD: C. Padilla **COURT REPORTER:** J. Bean
COURT IN SESSION: 9:06 AM **COURT IN RECESS:** 10:32 AM
TIME IN COURT: 1:26

TYPE OF PROCEEDING: Motion Hearing (see below)

COURT'S RULING/DISPOSITION:

1. Respondents' Motion to Alter or Amend Judgment [63]

ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY: Court

ATTORNEYS PRESENT FOR PLAINTIFF(S):

Cynthia Aragon

Nicholas Mendoza

ATTORNEYS PRESENT FOR DEFENDANT(S):

Scott Eaton

PROCEEDINGS

COURT IN SESSION: 9:06 AM

Court: Calls case. Counsel enter appearances.

Court: Addresses pending motion.

Mr. Sydow: Argues motion.

Court: Why don't you argue the nuisance and trespass issue.

Mr. Sydow: Responds.

Court: addresses Mr. Tosdal regarding opinion.

Mr. Tosdal: Responds, no.

Court: addresses tort issue.

Mr. Tosdal: Responds.

Court: give me examples of when an individual does a prescribed notes.

Mr. Tosdal: Responds.

Court: Would you say that as to NM State?

Mr. Tosdal: Does not apply. Continues with argument in opposition.

Court: addresses Mr. Sydow regarding trespass and nuisance.

Mr. Sydow: Responds.

Court: Have you given more thought to my suggestion at the Dolan hearing?

Mr. Sydow: Responds.

Mr. Tosdal: Addresses interpretation of statute.

Mr. Sydow: Responds.

Mr. Tosdal: Responds regarding the particular relief.

Mr. Sydow: Responds in conclusion. Asks that the court consider Rule 59 motion.

Nothing further from the parties.

Court: try to get an opinion out as soon as possible.

Court in Recess: 10:32 AM